

**Jump, Christine**

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**From:** Mostafa Kamal <MKamal@kdheks.gov>  
**Sent:** Monday, September 29, 2014 2:59 PM  
**To:** Jump, Christine; Akhter Hossain  
**Cc:** SMITH, MARTIN L  
**Subject:** RE: Acceptability of Soil Data for Concrete Reuse

Chris,

"Clean Rubble" within the definition of Kansas solid waste statutes doesn't require a permit for onsite disposal. Once the concrete is believed to be clean per KDHE (through rinsing) and EPA (through existing soil data), it can be reburied onsite without any permits. Therefore, no additional solid waste program approval is necessary. We will continue to address the remediation activities through RCRA closure and corrective action oversight authorities.

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**From:** Jump, Christine [<mailto:Jump.Chris@epa.gov>]  
**Sent:** Monday, September 29, 2014 2:44 PM  
**To:** Mostafa Kamal  
**Cc:** SMITH, MARTIN L  
**Subject:** RE: Acceptability of Soil Data for Concrete Reuse

Mostafa-

I am assuming that KDHE's solid waste program does not need to further review reuse of the concrete on the Clean Harbors site as backfill if KDHE BWM approves the rinsate data and EPA WRAP approves the soil data immediately underlying the concrete. Is this accurate?

Chris Jump, L.G.  
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RCRA



**From:** Mostafa Kamal [<mailto:MKamal@kdheks.gov>]  
**Sent:** Thursday, September 04, 2014 9:20 AM  
**To:** 'SMITH, MARTIN L'; 'Michael Stephenson'; Akhter Hossain; Longshore, Everette Lindler  
**Cc:** Jump, Christine; Brady Gerber; Stuart Klaus  
**Subject:** RE: Acceptability of Soil Data for Concrete Reuse

Martin,

You are accurate in saying that we all (stakeholders) want to make sure that contaminated concrete is not reburied. Therefore, it's important that both surfaces of the concrete meet certain levels of clean-up before the reuse decision is made. While KDHE is assured of surface clean-up based on the steam cleaning and rinsate sampling of the concrete

surface for closure, the subsurface clean-up requirements are based on RFI sampling data. Therefore, Clean Harbors needs to receive EPA's approval for the soil clean-up values before the concrete can be accepted for reuse as backfill. The approvals can occur concurrently without any unnecessary delays in meeting your overall project completion schedule.

Should you have any questions, please feel free to call me.

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**From:** SMITH, MARTIN L [<mailto:smith.martin@cleanharbors.com>]  
**Sent:** Thursday, September 04, 2014 8:55 AM  
**To:** Mostafa Kamal; 'Michael Stephenson'; Akhter Hossain; Longshore, Everette Lindler  
**Cc:** Jump, Christine; Brady Gerber; Stuart Klaus  
**Subject:** RE: Acceptability of Soil Data for Concrete Reuse

Thank you, Mostafa. My read of this is that you are simply requesting approval by EPA for the rubble re-use in addition to your own qualified approval given previously for its re-use. Your qualification for re-use was to have us check concrete/soil interface samples as identified in M. Stephenson's email from yesterday. That would give all of us a record of having checked to make sure we weren't inadvertently burying highly contaminated concrete.

Is my understanding accurate?

### ***Safety Starts With Me: Live It 3-6-5***

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**From:** Mostafa Kamal [<mailto:MKamal@kdheks.gov>]  
**Sent:** Thursday, September 04, 2014 8:48 AM  
**To:** 'Michael Stephenson'; Akhter Hossain; Longshore, Everette Lindler  
**Cc:** Jump, Christine; SMITH, MARTIN L; Brady Gerber; Stuart Klaus  
**Subject:** Acceptability of Soil Data for Concrete Reuse

I think I should weigh in this discussion. As previously discussed and the agreed path forward, Clean Harbors intends to use the data from soil sampling events completed per the corrective action requirements of the RCRA permit (Part

II). The soil samples collected and analyzed should continue to conform to the RFI work plan, etc. With an incomplete closure as planned by Clean Harbors, these samples are not intended to serve as clean closure confirmatory samples since only a portion of the waste codes are being addressed at this time. Although KDHE is currently authorized for the entire RCRA permitting program, including RCRA corrective action, facilities with existing RCRA corrective action permits will continue to stay under EPA's oversight. Hence, the acceptability of contaminant levels below the concrete is subject to EPA's approval. Also, the reuse of the concrete as backfill must be approved by EPA (in addition to KDHE since the surface cleanup is completed per closure plan requirements) since it requires the acceptance of RFI data. Finally, it is not KDHE's intention to change any previously EPA accepted work plan (or SAP) for the RFI.

Should you have any questions, please feel free to contact me.

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**From:** Michael Stephenson [<mailto:mstephenson@cameron-cole.com>]  
**Sent:** Wednesday, September 03, 2014 5:29 PM  
**To:** Akhter Hossain  
**Cc:** Mostafa Kamal; Jump, Christine; SMITH, MARTIN L; Brady Gerber; Stuart Klaus  
**Subject:**

Hello Akhter,

We have reviewed your email of September 2 to Lon Stewart. While we understand the conditions of approval for proceeding with "Incomplete Closure" of the buildings in question we also see some inconsistent guidance from you regarding building floor concrete use a rubble fill. In particular, I have pasted language used repeatedly in your email, below:

"In case the facility decide to use the concrete flooring as a backfill, facility will be required to get approval from EPA Region 7."

We are proceeding with the plan for concrete re-use as has been discussed with you and Mustafa on several occasions previously. Specifically, we are using the color coded map, Figure 9 (attached), to identify where soil/concrete interface samples will be taken in advance of removal of the overlying concrete. For Building B, four shallow soil samples will be collected along the light green line in the northern portion of the building to further delineate areas where the underside of the concrete may be impacted. In Building D, four soil samples will be advanced along the light green line in the northeastern portion of the building. In the processing area, four soil samples will be collected along the light green and yellow line in the western portion of the processing area.

If those samples show that the interface soils have concentrations of the VOC or SVOC constituents at levels meeting the RSK Tier II values then the overlying concrete can be used as backfill. Similarly, if samples come back over the limit then the concrete will be taken for off-site hazardous waste disposal. Also, if staining in any area under the concrete appears to be the result of spills reaching the sub-grade, such as where there was an overlying gap, then CHES will dispose of the concrete off-site.

We have to rely on our previous re-use plan as accepted by you just as we have implemented it for Building J. Ms. Jump has indicated her acceptance of this plan during our call with her and you on August 19. Please acknowledge that your intention is NOT to change the plan as accepted by you previously at this late date.

Sincerely,

Mike Stephenson

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